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Tim Garrett, Kara LeGrand, Charles Daniels,
Donald Burse, Dana Everage, Chad Venters,
Cary Dyer, Marc Mallinger, and Julio Calderin*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS BURDSAL,

Plaintiff,

v.

SCOTT DAVIS, *et al.*,

Defendants.

Case No. 3:23-cv-00074-CLB

**ORDER GRANTING DEFENDANTS'
REQUEST FOR 9 DAY EXTENSION
TO RESPOND TO PLAINTIFF'S
MOTION TO COMPEL ANSWERS TO
INTERROGATORIES
- KARA LEGRAND (SET ONE);
PLAINTIFF'S MOTION TO COMPEL
PRODUCTION BY KARA LEGRAND
(SET TWO); A 7 DAY EXTENSION TO
RESPOND TO PLAINTIFF'S
MOTION TO COMPEL ANSWERS TO
ADMISSIONS FOR KARA LEGRAND
(SET ONE); AND 9 DAY EXTENSION
TO RESPOND TO PLAINTIFF'S
MOTION TO COMPEL ANSWERS TO
INTERROGATORIES- SCOTT DAVIS
(SET ONE)**

ECF Nos. 79, 80, 81, & 83

[FIRST REQUEST]

Defendants hereby request a 9 Day Extension To Respond To Plaintiff's Motion to Compel Answers to Interrogatories - Kara LeGrand (Set One); Plaintiff's Motion to Compel Production by Kara LeGrand (Set Two); a 7 Day Extension to Respond to Plaintiff's Motion to Compel Answers to Admissions for Kara LeGrand (Set One); and a

3 day Extension to Respond to Plaintiff's Motion to Compel Answers to Interrogatories-
Scott Davis (Set One). ECF Nos. 79, 80, 81, & 83.

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL HISTORY

This is an inmate civil rights actions brought by Inmate Thomas Burdsal (Burdsal), pursuant to 42 U.S.C. § 1983, for events that allegedly occurred while he was incarcerated at Lovelock Correctional Center (LCC). Burdsal's primary factual allegation is he did not receive Jewish Passover meals in 2022, and that he should have received those religious meals. ECF No. 8 at 4:1-28. This Court allowed Burdsal to proceed on a First Amendment free exercise claim, a Religious Land Use and Institutionalized Person Act of 2000 (RLUIPA) claim, a Fourteenth Amendment equal protection claim, and a state-law claim for the intentional infliction of emotional distress against proposed Defendants Davis, Garrett, LeGrand, Daniels, and several Donald Burse, Dana Everage, Chad Venters, Cary Dyer, Marc Mallinger, and Julio Calderin on the Religious Review Team (RTT). ECF No. 7 at 9:5-21; see also ECF No. 33 Burdsal amended his complaint to substitute the Does in for (collectively known as "new Defendants"). ECF No. 33.

On May 21, 2025, Burdsal filed his (1) Motion to Compel Answers to Interrogatories - Kara LeGrand (Set One) and (2) Plaintiff's Motion to Compel Production by Kara LeGrand (Set Two). ECF Nos. 79 and 80. Responses to those motions are due to on June 4, 2025. Burdsal then filed his Plaintiff's Motion to Compel Answers to Admissions for Kara LeGrand (Set One) on May 23, 2025. ECF No. 81. Any Response to this motion is due on June 6, 2025. Burdsal then filed his Motion to Compel Answers to Interrogatories Scott Davis (Set One) on May 27, 2025. ECF No. 83. Any response to this motion is due on June 10, 2025.

Defendants now seek extensions for the responses on all four of these motions to make the due dates for them be June 13, 2025. The responses require this time to adequately explain defendants' objections to the discovery, and the discussions between Burdsal and counsel for defendants regarding the meet and confer issues.

II. ARGUMENT

Pursuant to Fed. R. Civ. P. 6(b), the “court may, for good cause, extend the time . . . with or without motion or notice . . . if a request is made, before the original time or its extension expires.” Defendants seek an extension of time to respond to the motions filed by Burdsal. Good cause is present to extend 9 Day Extension To Respond To Plaintiff’s Motion to Compel Answers to Interrogatories - Kara LeGrand (Set One); Plaintiff’s Motion to Compel Production by Kara LeGrand (Set Two); a 7 Day Extension to Respond to Plaintiff’s Motion to Compel Answers to Admissions for Kara LeGrand (Set One); and a 3 day Extension to Respond to Plaintiff’s Motion to Compel Answers to Interrogatories- Scott Davis (Set One), thus making all of the responses due by June 13, 2025.

Many of the responses to these motions are going to be based on the same set of objections to Burdsal’s requests for discovery discussed throughout the motions. As will be explained more fully in the responses, part of the issue on these objections is that because Burdsal is using a paralegal in the preparation for these documents, it has been difficult for counsel for defendants to have fruitful discussions with Burdsal about his objections. More time will be needed to fully explain the situation and counsel for defendants is expecting to explain these unsuccessful meet and confer conversations in the first response and cite it for the other three responses so that it is easier for the Court to understand and to save space on the subsequent responses. Further, Burdsal’s motions to compel are voluminous and require more time to respond. In addition, counsel for Defendants is working on dispositive motions in two other cases¹ and is working to get the first drafts of those motions for review in his office by June 9, 2025, so that they will be filed on time without the need for any further extensions. Counsel for defendants is also getting married on June 21, 2025, and will be gone on his honeymoon on June 23-27, so counsel for defendants is extremely unlikely to ask for any further extensions for the responses for the motions.

¹ *Klein v. Flamm et al.* - USDC 3:23-cv-00337-ART-CSD; and *Johnson v. Garrett, et al.* - 2:24-cv-00153-APG-BNW.

Accordingly, Defendants respectfully request that the extension be granted for good cause shown. *See Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1260, (9th Cir. 2010) (holding that the “district court abused its discretion in denying party’s timely motion” to extend time because the party “demonstrated the ‘good cause’ required by Rule 6, and because there was no reason to believe that [the party] was acting in bad faith or was misrepresenting his reasons for asking for the extension”).

III. CONCLUSION

Based on the foregoing, and for good cause, Defendants request an extension of time until June 13, 2025, thus allowing a 9 Day Extension To Respond To Plaintiff’s Motion to Compel Answers to Interrogatories - Kara LeGrand (Set One); Plaintiff’s Motion to Compel Production by Kara LeGrand (Set Two); a 7 Day Extension to Respond to Plaintiff’s Motion to Compel Answers to Admissions for Kara LeGrand (Set One); and a 3 day Extension to Respond to Plaintiff’s Motion to Compel Answers to Interrogatories- Scott Davis (Set One). ECF Nos. 79, 80, 81, & 83.

DATED this 3rd day of June, 2025.

AARON D. FORD
Attorney General

By: /s/ Nathan M. Claus
NATHAN M. CLAUS (Bar No. 15889)
Deputy Attorney General

Attorneys for Defendants

Good cause appearing, Defendants’ motion, (ECF No. 84), is granted. No further extensions of time will be granted.

IT IS SO ORDERED.

DATED: June 3, 2025


UNITED STATES MAGISTRATE JUDGE